

### **REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated September 21, 2006 has been received and its contents carefully reviewed.

Claims 1-16 are hereby amended. Claims 1-16 are pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claims 3, 5-10 and 12-16 are objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for allegedly failing to further limit the subject matter of a previous claim. Also, on page 3 of the Office Action, the Examiner states that in claims 3, 5-10 and 12-16, additional limitations were given no distinguishable weight as directed to the article per se. Applicant herein amends claims 3 and 10 to further limit the material. Additionally, Applicant herein amends the preambles of claims 5-9 and 12-16 to recite a method. Accordingly, Applicant respectfully submits the objection is overcome and requests withdrawal of the objection.

Claims 4 and 11 are rejected under 35 U.S.C. §112, second paragraph because the limitation "diphenylphosphino" allegedly has insufficient antecedent basis in the claims. Applicant respectfully traverses the rejection and requests reconsideration. As recited in independent claims 1 and 2, the "compound represented by the general formula  $(R_1R_2)P-(R)_n-Si(X_1X_2X_3)$ " has "aromatic rings or alkyl-groups containing aromatic rings." Therefore, Applicant respectfully submits that the diphenylphosphino moiety has proper and sufficient antecedent basis. Accordingly, Applicant hereby requests withdrawal of the rejection of claims 4 and 11, which depend from claims 1 and 2, respectively.

Claims 1-16 are rejected under 35 U.S.C. §102(b) as being anticipated by Krocher et al., Journal of Catalysis, 1998, 178, p. 284-298 (hereinafter "Krocher"). The rejection is respectfully traversed and reconsideration is requested.

Independent claims 1 and 2 are allowable over Krocher in that the claims each recite a combination of elements including, for example, "the material prevents copper diffusion." Krocher does not teach at least these features of the claimed invention. In contrast, Krocher is merely drawn to sol-gel derived hybrid materials for catalytic synthesis. *See* Abstract. Krocher is completely silent with respect to any copper-related properties of any disclosed materials.

Furthermore, preventing “copper diffusion” is not an inherent property of the materials disclosed in Krocher. Also, Applicant notes that Krocher does not disclose any of the steps recited in claims 5-9 and 12-16. The Examiner has stated on page 3 of the Office Action that limitations in these claims were given no distinguishable weight as being directed to the article per se. However, claims 5-9 and 12-16 are herein amended to recite a method and Applicant respectfully submits that the limitations must be given distinguishable weight. Finally, claims 4 and 11 are herein amended to no longer recite 1-dimethylphosphino-2-triethoxysilylethane. Accordingly, Applicant respectfully submits that Krocher does not disclose the present claim limitations and that claim 1, claims 3-9, which depend therefrom, claim 2 and claims 10-16, which depend therefrom, are allowable over Krocher.

Claims 1-3 and 5-16 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,726,809 to Allum et al. (hereinafter “Allum”). The rejection is respectfully traversed and reconsideration is requested.

Independent claims 1 and 2 are allowable over Allum in that the claims each recite a combination of elements including, for example, “the material prevents copper diffusion.” Allum does not teach at least these features of the claimed invention. In contrast, Allum is merely drawn to catalyst support materials. *See* column 1, lines 38-43. Allum is also completely silent with respect to any copper-related properties of any disclosed compounds. Furthermore, preventing “copper diffusion” is not an inherent property of the materials disclosed in Allum. In addition, Applicant notes that Allum does not disclose any of the steps recited in claims 5-9 and 12-16. The Examiner has stated on page 3 of the Office Action that limitations in these claims were given no distinguishable weight as being directed to the article per se. However, claims 5-9 and 12-16 are herein amended to recite a method and Applicant respectfully submits that the limitations must be given distinguishable weight. Accordingly, Applicant respectfully submits that Allum does not disclose the present claim limitations and that claim 1, claims 3 and 5-9, which depend therefrom, claim 2 and claims 10-16, which depend therefrom, are allowable over Allum.

Applicant believes the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to

discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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